

1 [REDACTED] So you told us earlier that you had a
2 conversation with Solicitor [REDACTED].
3 DAVE UBERUAGA: Um-hm [yes].
4 [REDACTED] And you had told him that you were thinking
5 about selling your property and the reason why.
6 DAVE UBERUAGA: Um-hm [yes].
7 [REDACTED] Dealing with the transit. But you also spoke
8 with -
9 DAVE UBERUAGA: Transit wasn't -
10 [REDACTED] But let me finish, please.
11 DAVE UBERUAGA: Okay, excuse me.
12 [REDACTED] You also spoke to him at the same time, how I
13 understood it earlier, that this gentleman, [REDACTED] was
14 thinking about purchasing it or putting a bid in on it.
15 DAVE UBERUAGA: Right, no, so okay, I see where you're at.
16 So I, in my deliberation about how to go about selling my
17 property, how to list it, how to go about that, I talked to [REDACTED]
18 [REDACTED] about that. And I told him my recollection is that I said
19 "I anticipate the [REDACTED] are going to be interested in this,"
20 and I says, "How do I get out of this or what do I do?" And then
21 he said "Make sure that you list the property" -
22 [REDACTED] Publicly.
23 DAVE UBERUAGA: - and you have a public - "You have a big
24 sign out that says 'This property is for sale.'"

1 [REDACTED] How did you know, though? That's my
2 question. How did you know that the [REDACTED] would be
3 interested in buying your property?

4 DAVE UBERUAGA: Well, they were buying property in Ashford
5 so, I mean, they had recently, you know, over a couple of years,
6 they bought this property, and I know what you're - you know, I
7 don't think I had anything that would -

8 [REDACTED] It sounds to me that you had a prior
9 conversation, that you would have known that [REDACTED] was going to
10 put a bid on your property.

11 DAVE UBERUAGA: Well, no, I'm pretty confident that there
12 wasn't anything like that. I just know it's not that big of a
13 community and that as soon as I put it up for sale, that there'd
14 be interest by them. Yeah.

15 [REDACTED] I mean, sir, was this whole property sale
16 here, was this a kickback?

17 DAVE UBERUAGA: No, not even - that's what's so sad about
18 it. I mean, when you go through the - no, absolutely not.
19 And, I mean, listening to the questions and parroting it back
20 to you, I can see how you got to where you're at, but there was
21 absolutely no business connection, no benefits, no discussion,
22 nothing in terms of that in terms of business {kind}, kickback
23 or anything. I thought I was doing the right thing to do it
24 the way that I did it. And I guess it would help me to maybe
25 help you if I understood where the - not where, but what the
26 allegation actually was, because I can see where the pieces

1 now and the nexus and all that. You know, I understand where you
2 put those pieces together. But somebody - you said that I had a
3 business connection with or -

4 [REDACTED] Well, the allegation was -

5 DAVE UBERUAGA: Business transact -

6 [REDACTED] - was incorrect. The allegation was that
7 you were in business to buy up real estate property with the
8 [REDACTED] in sort of a foreseeable venture because of the
9 Alternative 2 that's coming out of the General Management Plan.

10 DAVE UBERUAGA: Okay.

11 [REDACTED] Now as a preface, in the beginning, that
12 wasn't the case, but when we went and looked at public records,
13 we did see a transaction between you and the [REDACTED]

14 DAVE UBERUAGA: Right, okay. All right, I think that -

15 [REDACTED] And as we looked at the transaction on its
16 face, we see two parcels of land that are strategically located
17 in what you have described to us as a possible site identified
18 by the contractors as this would be a logical, it's logical.
19 If you're going to do a transit into the Park, that's logical.
20 It's outside the confines of the Park. It's right on the major
21 thoroughfare, easy access. [REDACTED] a well-known contractor
22 concession in the area. [REDACTED] owns a well-established business
23 across the street. While it doesn't have anything to do with
24 the concession on the mountain in terms of climbing, [REDACTED] got
25 the infrastructure, [REDACTED] already there. And you knew. It wasn't
26 any secret that [REDACTED] was buying up land.

1 DAVE UBERUAGA: Well, [REDACTED] bought those parcels across the
2 street.
3 [REDACTED] Right, right, you knew that it wasn't a
4 secret. [REDACTED] buying up land. [REDACTED] trying to amass, for lack
5 of a better word, [REDACTED] little empire. What we have a hard time
6 understanding is how a property at an assessed value of \$125,000,
7 let's give you the benefit of the doubt and say \$40,000, let's
8 even give you another \$60,000 for sweat equity. You're still
9 at double that sales price. You know, and entering into a real
10 estate contract, while it does sound like it's a legitimate
11 vehicle to finance, what it suggests to me is that [REDACTED] couldn't
12 go to a bank and get a bank to finance that deal, because the
13 property wasn't worth that much. This was a speculative deal on
14 the promise - I don't know if there was a promise, but on the
15 forecast potentially that this is an area that [REDACTED] can develop
16 based on contracts and awards that [REDACTED] wins from the mountain.
17 [REDACTED] buying from you, the Superintendent. I can only tell you
18 how this looks on its face.

19 DAVE UBERUAGA: And I can tell you there was none of that.

20 [REDACTED] To simply ask the kickback, you got to ask
21 it.

22 DAVE UBERUAGA: No.

23 [REDACTED] Was it a kickback?

24 DAVE UBERUAGA: No.

25 [REDACTED] Was there an arrangement where you were
26 going to, where you got it upfront on the promise that [REDACTED] was

1 going to make, you know, continue to amass [REDACTED] fortune and what
2 appears to be a well-made business.

3 DAVE UBERUAGA: No. None of that could be farther from the
4 truth, other than the documents and the sequences have all that
5 appearance. You know, I honestly still believe that Ashford
6 demands - if you look at the prices that are in Ashford, yes,
7 it was a quantum leap, but Ashford was - you know, well, my
8 rationale was that it was a good location, it had value, and I
9 needed to sell it for what it was worth and nothing less. And
10 so I figured out what I thought it would be worth, and that's
11 what I talked to the realtor about, and that's what I listed it
12 for, and that's what I sold it for. And it was really in my
13 mind's eye very defined as that, you know, by holding onto the
14 property, it was only going to get more complicated I thought, I
15 mean, my own simple mind's eye, and I have been so always, always
16 very, very careful about relationships, because it is a small
17 community, and my integrity is, you know, the highest value that
18 I have.

19 And there is absolutely no way that anything in my
20 relationship with [REDACTED] or with RMI has influenced my decision.
21 I mean, the decisions I made were very open. Everybody else
22 basically made them for me, and I was very, very - I mean, I
23 just was very cautious about not ever even possibly coming up
24 with any conflict. And then the real estate thing, you know,
25 as you go through that, I understand exactly where you described
26 it, but I can tell you - and I think [REDACTED] can tell you - that

1 there's been absolutely no influence, no discussions, no
2 expectations, nothing. I mean, it just was what I thought was
3 just try to clean and clear, you know, and get out of it, and
4 that's what I thought was a good move to do. And the fact that
5 the price was, you know, unusual for or a new price for them,
6 you look at the junk that's for sale right now for five or
7 600,000 in Ashford, 350,000, you know, there's -

8 [REDACTED] But is it selling for 350 and 500,000?

9 DAVE UBERUAGA: Well, there -

10 [REDACTED] And you can list for whatever.

11 DAVE UBERUAGA: Yeah, yeah. Some of it has sold. Some
12 of it hasn't. I mean, let's assume you're probably going to
13 end up doing that to have some other context. But, you know,
14 my neighbor's house, I don't know what, if it's, you know,
15 three-quarters of a million or whatever it is now, but he's
16 had his house. I think he wanted, based on my comparable or
17 that sale, he wanted over a million dollars for his property.

18 [REDACTED] But he didn't get that.

19 DAVE UBERUAGA: He didn't get that. I think by the time he
20 gets done with however he's going to end up doing it, he probably
21 could.

22 [REDACTED] Who would be a likely buyer for that piece
23 of property?

24 DAVE UBERUAGA: Who is a likely buyer?

25 [REDACTED] Um-hm [yes].

26 DAVE UBERUAGA: Well, for my property?

1 [REDACTED] No, the likely buyer bought your property.
2 Who's the likely buyer for the property behind you, for your
3 neighbor's house, the one that wants a million plus for it?
4 DAVE UBERUAGA: Well, I would say one obviously would be the
5 [REDACTED] Another one would be the other people who in this
6 community have - well, it'd be the other guide services that are
7 looking for a place to set up their own business, those are that
8 are businessmen. I know one gentleman who I happen to get my
9 hair cut 40 miles from here, and I go get my hair cut, and this
10 guy said, "I was talking to your old neighbor, and my son and I
11 are thinking about buying the property." And he said, "I had
12 it surveyed, and there's some wetlands on it, so we're not sure
13 if we're going to buy it or not." And so, you know, I think
14 20 acres with a house and a nice valley setting, they're going
15 to end up selling that. This was, you know, frontage, and that's
16 what drove the price up. It's on the highway.
17 [REDACTED] Okay. Did you want to follow up on that?
18 DAVE UBERUAGA: So help me out if I need -
19 [REDACTED] No, I mean, I want you to know us coming in
20 here today, we've heard nothing but great things about you and
21 what you've done here in the time that you've been here, which
22 has been a very long time. And I know from the history of the
23 Park Service, it's very hard to start at a park and work your way
24 all the way to the top. I mean, what you've accomplished here is
25 great, and I know you're very respected in the community. That's

1 why we're here. We want to get to the bottom of this. If you
2 made a mistake, sir, let's talk about it. Let's get through it.

3 DAVE UBERUAGA: Yeah. I understand that.

4 [REDACTED] And, you know, you can put this behind you.
5 By hiding details or whatever the -

6 DAVE UBERUAGA: No.

7 [REDACTED] - circumstances may have been at the time,
8 if it was a mistake, let's talk about the mistake, and let's get
9 past it. You know, I just -

10 DAVE UBERUAGA: I agree, and I hope I did. My recollection
11 on dates and stuff aren't, and I'll be glad to go back and find
12 any of those things. And I appreciate what you said. It isn't -
13 I mean, when you said this allegation about [REDACTED] nothing could
14 have been farther from the truth than, you know, buying up
15 Ashford for speculation or whatever. But the way you lay out the
16 facts, those facts did happen. I had my property. I wanted to
17 get out. I put it up for sale. [REDACTED] bought it. That's the
18 price that I determined by myself with my real estate agent that
19 says it's time that people in Ashford got the fair market value
20 for these places, rather than getting them continually undersold.
21 I mean, you know -

22 [REDACTED] But you got a couple of deals. I mean, in
23 your land cache, there was a property that was assessed for like
24 \$85,000; you got it for \$20,000. So everybody's benefiting from
25 both sides of the coin.

26 DAVE UBERUAGA: You want to talk about that?

1 [REDACTED] I mean, I don't. I don't think that it's
2 germane to -

3 DAVE UBERUAGA: No, it -

4 [REDACTED] I don't think it's germane to this, but
5 when you say, you know, "fair market value," is that really
6 fair market value, or was that on the promise and a prayer of
7 something in the future?

8 DAVE UBERUAGA: Absolutely not. I have way too much
9 integrity. If I had known how better to handle it, you know,
10 if I would have sold it for less, I mean, I guess I'm not sure
11 where -

12 [REDACTED] Well, no, you know what? Actually to be
13 honest -

14 DAVE UBERUAGA: Because I don't know that part.

15 [REDACTED] - like the amount of money, you know, really
16 what looks to be like potentially a problem, and I wanted to look
17 at this a little bit more, but you got advice. You did seek
18 advice. The advice was sell it, make it public, make it at an
19 arm's-length transaction.

20 DAVE UBERUAGA: Right.

21 [REDACTED] By entering into a long-term contract and
22 serving as the financier for this, that's the problem. It wasn't
23 an arm's-length transaction.

24 DAVE UBERUAGA: Okay.

25 [REDACTED] And at the end of the day, you were the
26 decision-maker, and while you say, "Yes, I felt I recused

1 myself," unless you have some Ethics advice, some letter that you
2 wrote where I need to, you know, make this official on the books,
3 you put a lot into your Regional people to know that there was
4 a potential conflict. You know, I just don't know how that is
5 reasonable for me to accept from you, that you felt by putting a
6 name of you had the transaction with, that she was going to draw
7 the conclusion that that was a primary concession - at the time,
8 the sole source concession on the Park.

9 DAVE UBERUAGA: Okay, I agree. Um-hm.

10 [REDACTED] Tell me how that's a reasonable stretch that
11 if you didn't have a direct conversation with her about it, that
12 she was supposed to jump to that conclusion?

13 DAVE UBERUAGA: Okay. Yeah, and I didn't.

14 [REDACTED] You didn't. And you didn't get a recusal,
15 and you continued to make decisions in whatever capacity or
16 review documents that were related to them. It is what it is. I
17 mean, I think what you're saying is you made a mistake. You're
18 looking at what we're looking at now and, you know, perhaps you
19 should have recused yourself or constructed a different vehicle
20 for that transaction. It is not illegal to sell your property.

21 DAVE UBERUAGA: Yeah, and I thought that the vehicle that I
22 used was exactly what I - I thought that was the arm lengths that
23 I needed. I was really clear in my mind. There's this company
24 that took care of all that, just like they were a - basically
25 they function as a bank. They have millions and millions and

1 millions of dollars of assets, and they do contracts for - this
2 is not - you could call them up. I'm trying to think -

3 [REDACTED] Well, the thing that, you know, it's sort
4 of -

5 DAVE UBERUAGA: I mean, it's a bank is my -

6 [REDACTED] It's sort of not a tangible thing. It's
7 because -

8 DAVE UBERUAGA: Right.

9 [REDACTED] But you're still connected to that
10 transaction. You're still have a vested interest -

11 DAVE UBERUAGA: Correct, I agree.

12 [REDACTED] - that the [REDACTED] make their monthly
13 payment. For the life of that transaction, you have a vested
14 interest that they continue to make their money, however
15 they make it, so that they pay your third party, who then
16 pays you. So while you've told us that, you know, there was
17 no prearrangement and -

18 DAVE UBERUAGA: Absolutely not.

19 [REDACTED] - inflated price or what have you -

20 DAVE UBERUAGA: I felt very fair about my price.

21 [REDACTED] - because there was a promise, an award
22 maybe in the future of a concession, whatever it may be. And the
23 other thing is you sought advice up until a point, and then it
24 was at that point where, you know, from my point of view, and
25 these are my words, these are not yours, that's a lot of money
26 for that property. It was going to be a great return on your

1 investment. And perhaps you didn't want to get any more advice,
2 because this was the way [REDACTED] wanted to make this transaction
3 go.

4 DAVE UBERUAGA: No, not at all. No, my advice was before I
5 sold it, I asked [REDACTED] how I should approach it and told him that,
6 you know, [REDACTED] are probably one of the key people who'd be
7 interested. And he goes "You have a right to sell it, you know,
8 make it very public." So then, after the negotiations, if you
9 will, or the real estate contract, then I went back to [REDACTED] and
10 I says, "Well, this is what it is," and he goes, well, he said
11 "Make sure that you dispose of it as soon as you can," and that
12 was the - but, I said, "Well, I'm locked into five years under
13 contract with him," not that they couldn't pay it off sooner.
14 So I don't know if you know the rest of the story, the five-year
15 balloon contract came due, and it's paid off.

16 [REDACTED] In March of this year?

17 DAVE UBERUAGA: Yeah, this year.

18 [REDACTED] So between 2002 and 2008, when you were a
19 primary decision-maker as the Superintendent of this Park, you
20 were in a continuing financial relationship. Even though you've
21 got a middleman collecting the money, the bank isn't going to
22 pay you that money or that title company is not going to pay you
23 that money. So while they're handling the administrative, the
24 academic part of -

25 DAVE UBERUAGA: Okay.

1 [REDACTED] - distributing the money, your relationship
2 is still with the [REDACTED] because you held title of that
3 property.

4 DAVE UBERUAGA: Okay.

5 [REDACTED] If they go fault on the loan, you get the
6 property back. It's a direct relationship.

7 DAVE UBERUAGA: Um-hm.

8 [REDACTED] So, I mean, it is what it is. You know,
9 we'll have to get some guidance on from where to go from here.
10 But, you know, there was no recusal in place. I think you agree
11 that it was a jump, even though you filled out the paperwork,
12 to expect them to understand who [REDACTED] was with
13 respect to the Park and what kind of relationship they had.

14 DAVE UBERUAGA: So if you went back and looked at my first
15 one, did my first one disclose any more?

16 [REDACTED] No, if you want to take a look at it right
17 now, I didn't see it.

18 DAVE UBERUAGA: This is the current one.

19 [REDACTED] So that's back to 2000 it starts, and then
20 goes backwards.

21 DAVE UBERUAGA: Oh, okay.

22 [REDACTED] And you can see where, because on the
23 listing of your assets, it's required that you report income
24 over \$200, and it's not on -

25 DAVE UBERUAGA: (Inaudible) what? That is a real estate
26 contract, Fidelity Contract Services with [REDACTED]

1 Yeah, that. Oh, there it is. This contract with [REDACTED]
2 [REDACTED] (inaudible) interest. So I didn't write anything more
3 than that the first time.
4 [REDACTED] It simply asks the guy who's the reviewer
5 does ask for clarification, which you indicate to them that it's
6 a private party. And he asks you for clarification, and you
7 don't give it to him. You just say they're a private buyer and
8 don't give - you know, it looks like he's trying to evaluate
9 (inaudible).
10 DAVE UBERUAGA: Where's that?
11 [REDACTED] Did I miss it? It's in an email.
12 [REDACTED] I think it's a couple back.
13 [REDACTED] Here it is. Here's the initial. He asks
14 you to explain, and this is your explanation. Can you read it
15 aloud for the record actually? Thank you.
16 DAVE UBERUAGA: Which part do you want to start with?
17 [REDACTED] Start with his attempt to try to clarify.
18 DAVE UBERUAGA: "Hi, I'm the person who has been designated
19 to review this form. I have a question about something on yours.
20 In Part 1, Assets and Income, I see a listing, a real estate
21 contract, Fidelity Contract Services, [REDACTED]. I'm
22 sorry, but I don't know what that means. Can you give me a
23 little more detail so I can understand what this is and whom or
24 what company? Please provide me with the requested clarification
25 as soon as possible so I may complete the form." Okay, I didn't
26 hear back from him.

1 [REDACTED] And your response.

2 DAVE UBERUAGA: "This is an owner-financed real estate
3 contract that was set up when we sold our home to a private
4 party. As owners, we financed the sale of the home. The buyers
5 send their payments to Fidelity Contract Services. The same
6 company keeps track of payment balances, makes the deposits
7 into our account, and sends each party an annual statement of
8 balances. We have had this in place for five years and have
9 reported it like this on the OGE 450 for that period. Let me
10 know if you need more information. Thanks."

11 [REDACTED] And there was no follow-up with that.

12 DAVE UBERUAGA: No, I didn't hear anything from him, I
13 guess.

14 [REDACTED] Okay. So, I mean, tell me what that meant
15 to you when you were clarifying that, when he asked is this a
16 company, is this? This is the guy who's evaluating this for any
17 sort of conflict of interest. What do you think he's asking by
18 that?

19 DAVE UBERUAGA: Well, I thought he was asking what I
20 answered, and what you're saying is that I should have answered
21 it more fully and put some flags on it is what you're saying.

22 [REDACTED] Well, I'm not saying it. You are. But
23 yeah, I'm thinking that as well.

24 DAVE UBERUAGA: Okay. And I guess, yeah, that's the only
25 trans- -

26 [REDACTED] Because they can only -

1 DAVE UBERUAGA: I understand.

2 [REDACTED] They can only give you advice on the facts
3 to which they're given.

4 DAVE UBERUAGA: Um-hm [yes].

5 [REDACTED] This guy doesn't know who [REDACTED]
6 [REDACTED] are. I mean, I don't need to say any more.

7 DAVE UBERUAGA: Okay.

8 [REDACTED] I think this is a mistake. You know, we're
9 going to have to cross our T's and dot our I's.

10 DAVE UBERUAGA: Um-hm [yes].

11 [REDACTED] If there's anything you think we should know
12 that we haven't asked you about -

13 DAVE UBERUAGA: Okay.

14 [REDACTED] - I would strongly advise you to tell us so
15 that it's not a surprise.

16 DAVE UBERUAGA: Yeah. Well, there isn't anything that you
17 haven't covered that we need to - you know, I can go back to, you
18 know, there is the sequence that you talked about. There's never
19 been any, you know, business influence or any of those things by
20 this transaction. Absolutely not. You know, and I feel like
21 that I was in the situation, and I guess what I did was met the
22 minimum requirements for the clearance documents.

23 In my mind's eye, by checking with [REDACTED] I knew that it was
24 a little awkward but that I was okay and that it was more awkward
25 than anything and that I didn't know any other way to do it
26 other than to disclose it and then, if you will, complete the

1 transaction as soon as possible because, I mean, you know, I'll
2 admit there was an awkwardness once I got into it that, you know,
3 I really wasn't worried about it, but I guess I should have been
4 a lot more concerned about it. I just know myself and my own
5 self integrity, that it was a technicality but that I was, you
6 know, above any concern for any influence at all, and that it was
7 just a transaction that occurred, and anybody and everybody knew
8 it. I mean, it wasn't like, I mean, anybody in town knew that I
9 had sold that property to [REDACTED] I mean, that just -
10 [REDACTED] Sir, if in your first few years here at the
11 Park, the Superintendent at the time that was here did something
12 like this, and you were living in park housing, would you think
13 there was anything wrong with the Superintendent doing business
14 with its head concessionaires?
15 DAVE UBERUAGA: Well, yeah. I mean, it's - yeah, I'd agree.
16 You know, I guess because I didn't think I was hiding it, that it
17 was okay, I mean, that I was -
18 [REDACTED] But without people like Agent Wallace and
19 myself sitting in this room and getting an explanation about it,
20 on paper, that's all they really can see, or the rumor that went
21 around town.
22 DAVE UBERUAGA: Um-hm.
23 [REDACTED] So it's the mere perception is why we go
24 through these processes and fill out this -
25 DAVE UBERUAGA: Uh-huh [yes]. Yeah.

1 [REDACTED] - paperwork and stuff, so people in the
2 public looking in don't have that perception -
3 DAVE UBERUAGA: Right.
4 [REDACTED] - of something that is wrong.
5 DAVE UBERUAGA: Yeah, you can - okay, that you can say that
6 there isn't anything wrong.
7 [REDACTED] Right. So that's really what I'm getting at
8 is if you were that public looking from the outside in, is there
9 a problem with what you did?
10 DAVE UBERUAGA: Well, I guess I didn't think so, because
11 everybody knew that I'd sold my property and that they bought it.
12 And that was what I thought was the most important piece of the
13 transaction. And so I thought that met most if not all of my
14 responsibility. And then to ask for some other advice, "Okay,
15 now that I'm in this, you know, what else could I do?" And
16 that's when I talked to [REDACTED] so that's where I felt like, you
17 know, it's awkward, I'd rather not be in that situation, I don't
18 want to be in that situation, but I am and the sooner I'm out of
19 that situation, the better we would be.
20 [REDACTED] The question he asked actually is if absent
21 what you know to be because you are the player, but really what
22 your perception would be as an employee looking out, knowing what
23 the town knows or just John Q. Public knowing that property was
24 owned by the Superintendent and sold to the local vendor in town.
25 You as just -

1 DAVE UBERUAGA: Yeah, at the time, I wasn't, but yeah, I
2 see.

3 [REDACTED] And what would you think of that, absent all
4 the things that you know, because you were in the middle of the
5 transaction?

6 DAVE UBERUAGA: Well, that there could be a conflict.

7 [REDACTED] There could be, there could be an appearance
8 of a conflict.

9 DAVE UBERUAGA: Yeah. Yeah, and looking back at it, it
10 wouldn't be advisable to do that or to do it some other way or
11 whatever. I don't know.

12 [REDACTED] Well, I mean, we've talked, we've pounded
13 this in, but it's not illegal to sell your property. The issue
14 here is the way in which it was financed.

15 DAVE UBERUAGA: Hm.

16 [REDACTED] You know, the way the law says it, it has
17 to be at arm's length. Arm's length is not just because you're
18 getting your money from a third party. Arm's length is, as I
19 think [REDACTED] was trying to describe, being very public, being
20 very, you know, advertising, and then selling it and being done
21 with it. But, instead, and tell me if I'm misunderstanding
22 this, but the terms began in 2002, December, when that sale was
23 executed.

24 DAVE UBERUAGA: Correct.

1 ████████████████████ And continued until March '08, during
2 which time you were the Superintendent, you were the final
3 decision-maker of the Park here at Mount Rainier.

4 DAVE UBERUAGA: I was.

5 ████████████████████ And ██████ was a concession. ██████ was a
6 concession. ██████ was in the middle of competing for a new
7 contract.

8 DAVE UBERUAGA: Um-hm.

9 ████████████████████ So that's kind of what we're faced at. And
10 when we see it with the assessed value at one price and the sales
11 price at some crazy price, which we saw that going all over the
12 country, just as being, you know, watching the housing prices
13 inflate and look where we are now in the middle of this crunch.

14 DAVE UBERUAGA: Um-hm [yes].

15 ████████████████████ But, you know, I don't want to give you a
16 lecture. I think you realize what's happened and what we see as
17 the sequence of events as you described.

18 DAVE UBERUAGA: Um-hm [yes].

19 ████████████████████ That's all we have. That's why we wanted to
20 come and talk to you.

21 DAVE UBERUAGA: Yeah.

22 ████████████████████ Find out what the explanation is, what
23 happened, if we've been misinformed, if these documents are
24 incorrect in whatever way.

25 DAVE UBERUAGA: No, I think that your analysis of the
26 sequence and the connection and all those are an accurate paper

1 trail of the transaction. So what I can tell you over and over
2 again is that I believe, and I still do, that it was fair market
3 value, that the prices had been understated in that area, and
4 that as a consequence, prices went up, and that there's been
5 nothing - there was no conversation about that. It was [REDACTED]
6 wanted that property for [REDACTED], for [REDACTED] business, and [REDACTED] made
7 a business decision. And subsequent to that, [REDACTED] had it
8 reappraised, and it appraised out at that value. And so -

9 [REDACTED] Let me ask you one more question.

10 DAVE UBERUAGA: You know, so in terms of my integrity,
11 my connection, my business influence, no, but in terms of the
12 documentation and what has transpired, I think I understand where
13 you've come from. And if I can think of anything else that would
14 add any clarity to it in terms of is there another area that you
15 want me to - not understand but that I haven't talked about?

16 [REDACTED] No, I always ask is there anything you want
17 to say or clarify regarding the things we've talked about, which
18 was the real estate purchase and the terms of that purchase.

19 DAVE UBERUAGA: Um-hm. That's a fact. That's true.

20 [REDACTED] Anything regarding your role in the award
21 process for the concession contracts.

22 DAVE UBERUAGA: Yeah, and in that one, you know, I was
23 involved in that. I mean, there's been no influence at all on
24 any of those decisions, other than what was consensus by the team
25 this is what we needed to do. This was the right thing for the
26 Park and, you know, I really felt like what we did was by far the

1 best for the Park. It's been a tremendous, it's been an example
2 to the National Park Service for the best contract process that's
3 ever been used, using a Commercial Services Plan to in effect
4 diminish the contract of a major concessionaire, divide up that
5 contract and meet the conditions of the Reform Act, and now to
6 have better return to the government, better services, a wider
7 range of services. It's touted as one of the few that didn't
8 end up in court as well. So from a standpoint -

9 [REDACTED] That's remarkable.

10 DAVE UBERUAGA: - is it's very, very difficult these days
11 when a primary incumbent contract concessionaire feels like
12 they've got screwed, or they've been taken advantage of, or they
13 lost business by a business transaction for the Park Service
14 in terms of contract award. And so, you know, the deliberate
15 methodical process of having the public tell us what we should
16 do and then executing that, and having - it was thought that the
17 primary concession arm, I couldn't have come up with reasons to
18 appeal the contract award, but they heard what the public said,
19 and it was just so transparent in every step of the way. They
20 knew what was going on, and they knew that there wasn't any
21 effort, I mean, there wasn't going to be any benefit in trying
22 to appeal that, because it was done so well, and it was done so
23 professionally, and it was every "T" and every "I" was dotted.

24 And granted, you know, on a personal perspective, I was
25 cautious along the way to make sure that there wasn't any
26 appearance and/or influence by me in a positive or negative

1 way towards them. They were just another concession, and we did
2 what we needed to do, what was best for the government. And I'm
3 very proud of that whole sequence.

4 And this connection specifically with [REDACTED] and that, as
5 one, [REDACTED] was a minority owner. It doesn't make any difference
6 what percentages I'm sure, but the point in my mind's eye was
7 that, you know, I executed a transaction, and I didn't think it
8 was wrong, and I was going to live with it until, you know, the
9 term of the contract was up, and that under no circumstance was I
10 ever going to be influenced and/or would even consider anything
11 that would jeopardize the best interest of the government, and
12 it's just how I've always been.

13 I understand why you're here and what happened, and I'll
14 admit I made a mistake in terms of trying to go through this
15 process, and I thought I was above board. I didn't write a
16 book, you know, so it was like I didn't want to make it any
17 more awkward on anybody than it was, and I actually carried that
18 burden of, you know, it's awkward, but I met the requirements.
19 So that's where I'm at.

20 [REDACTED] Let me ask you one more question, unless you
21 have anything else?

22 [REDACTED] No, I don't.

23 [REDACTED] Would you be willing to take a polygraph as
24 to the truthfulness of your statement with respect to the nature
25 of the dealings with [REDACTED]

26 DAVE UBERUAGA: Oh, yeah.